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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10                   BOBBY LAYTHEN BINFORD,

11                   Plaintiff,

12                   v.

13                   TERRY BENDA, *et al*,

14                   Defendants.

15                   Case No. C06-5364RBL-KLS

16                   ORDER GRANTING  
17                   APPLICATION TO PROCEED *IN FORMA PAUPERIS* AND  
18                   DIRECTING INSTITUTION TO  
19                   CALCULATE, COLLECT, AND  
20                   FORWARD PAYMENTS

21                   The Court, having reviewed plaintiff's application to proceed in forma pauperis, does hereby find  
22 and ORDER.

23                   Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefor.  
24 Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**. As set forth below, an initial  
25 **partial filing fee will be collected, and plaintiff is required to make monthly payments of 20 percent  
of the preceding months income credited to his/her account until the full amount of the filing fee is  
satisfied.**

26                   Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed *in forma pauperis*,  
27 the agency having custody of the above named plaintiff is directed to calculate an initial partial filing fee  
28 equal to 20 percent of greater of -- the average monthly deposits to the prisoner's account or the average  
monthly balance in the prisoner's account for the 6-month period immediately preceding the date of this  
Order. The initial partial filing fee should be forwarded to the court clerk as soon as practicable.

Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is directed to  
collect and forward payments equal to 20 percent of the prisoner's preceding month's income credited to

1 the prisoner's account. In the event that the monthly payment would reduce the prisoner's account below  
2 \$10.00, the agency should collect and forward only that amount which would reduce the prisoner's  
3 account to the \$10.00 level. Please note that this \$10.00 limit does not apply to the initial partial filing fee  
4 described above. Finally, the monthly payments should be collected and forwarded to the court until the  
5 entire filing fee (\$350.00) for this matter has been paid.

6 The Clerk is directed to send plaintiff a copy of this Order and the General Order, and a copy of  
7 this Order along with a copy of plaintiff's Acknowledgement and Authorization portion of the IFP  
8 application to the attention of the inmate account manager (IFP account manager at the Department of  
9 Corrections).

10 DATED this 17th day of July, 2006.

*Ken L. Strom*

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**Karen L. Strombom**  
**United States Magistrate Judge**